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EXAMINER				
GAMIL TEJAL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,917

Applicant(s)

CAREY, RICHARD

Examiner

TEJAL J. GAMI

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 10-23,26-29 and 31-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 24, 25, and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 06/30/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to a REQUEST FOR CONTINUED EXAMINATION entered November 26, 2008 and ELECTION/RESTRICTION entered April 13, 2009 for the patent application 10/783917.

Election/Restrictions

2. Applicant's election without traverse of claims 1-9, 24, 25, and 30 in the reply filed on April 13, 2009 is acknowledged.

Claims 10-23, 26-29, and 31-37 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/13/2009.

Status of Claims

3. Claims 1-29 were rejected in the last Office Action dated June 26, 2008.

As a response to the June 26, 2008 office action, Applicant has Amended claims 1-3, 8, 10, 14, 16 and 18-23; and Added claims 30-37. And as a response to the February 11, 2009 election/restriction requirement, Applicant elected claims 1-9, 24, 25, and 30; and claims 10-23, 26-29, and 31-37 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention.

Claims 1-9, 24, 25, and 30 are now presented for examination in this office

action. Applicant is reminded that the non-elected claims 10-23, 26-29, and 31-37 must be canceled from this application if the office finds that the claims 1-9, 24, 25, and 30 under consideration are allowable and the application is in condition for allowance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 24, 25, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Crookshanks (U.S. Patent Number: 7,089,203).

As to independent claim 1, Crookshanks discloses an apparatus for interactively designing custom (computer-assisted construction bidding for design, construction and financing management of a construction project) (see Col. 1, Lines 19-40), decorative stonework (e.g., stone floors; granite stone) (see Page 44, Category 023 and 024), comprising:

a plurality of data modules, wherein the plurality of data modules at least comprise an architectural pictures module at least having a plurality of architectural pictures (e.g., architectural plans) (see Col. 9, Lines 21-30), a units module (e.g., units of the plans) (see Col. 6, Lines 46-54), a parts module (e.g., part numbers) (see Col. 19,

Line 46), and a profiles module (e.g., requirements profiles) (see Col. 27, Line 62), and a cross-sectional profiles module (e.g., grid system in 3-dimensional coordinates; intersection points; overlay) (see Col. 16, Lines 38-39; Col. 8, Lines 13-15; Col. 16, Lines 49-53; and Figures 3A and 3C);

a correlation module (e.g., cross correlation; correlated with fields), wherein the correlation module is at least configured to map data from the plurality of data modules (see Col. 9, Line 16; and Col. 12, Line 19);

a transfer protocol server, wherein the transfer protocol server is at least coupled to a computer network (see Col. 28, Lines 13-15); and

an application module, wherein the application module (see Col. 9, Lines 21-30) is at least:

coupled to the transfer protocol server (see Col. 28, Lines 13-15);

coupled to the correlation module (e.g., cross correlation; correlated with fields) (see Col. 9, Line 16; and Col. 12, Line 19); and

configured to interactively design custom (computer-assisted construction bidding for design, construction and financing management of a construction project) (see Col. 1, Lines 19-40), decorative stonework (e.g., stone floors; granite stone) (see Page 44, Category 023 and 024).

As to dependent claim 2, Crookshanks teaches the apparatus of claim 1, wherein the correlation module further comprises at least mapping units onto architectural pictures (e.g., cross correlation; correlated with fields) (see Col. 9, Line 16; and Col. 12, Line 19).

As to dependent claim 3, Crookshanks teaches the apparatus of claim 1, wherein the correlation module further comprises at least mapping parts onto architectural pictures (e.g., cross correlation; correlated with fields) (see Col. 9, Line 16; and Col. 12, Line 19).

As to dependent claim 4, Crookshanks teaches the apparatus of claim 1, wherein the plurality of data modules further comprises a costs module (e.g., cost estimation) (see Col. 1, Line 67).

As to dependent claim 5, Crookshanks teaches the apparatus of claim 4, wherein the correlation unit (e.g., cross correlation; correlated with fields) further comprises at least mapping costs onto architectural pictures (e.g., contract cost) (see Col. 9, Line 16; and Col. 12, Line 19).

As to dependent claim 6, Crookshanks teaches the apparatus of claim 5, wherein the application module further comprises at least having the ability to estimate costs of a user defined specification (e.g., cost estimation) (see Col. 1, Line 66 to Col. 2, Line 7).

As to dependent claim 7, Crookshanks teaches the apparatus of claim 1, wherein the plurality of data modules further comprises a Computer Aided Design (CAD) drawing module (see Col. 29, Line 65).

As to dependent claim 8, Crookshanks teaches the apparatus of claim 7, wherein the correlation module further comprises at least mapping CAD drawings onto architectural pictures (see Col. 9, Lines 34-36).

As to dependent claim 9, Crookshanks teaches the apparatus of claim 8, wherein the application module further comprises at least having the ability to draw a user defined specification (see Col. 28, Lines 52-53).

As to dependent claim 24, Crookshanks teaches the apparatus of claim 9, wherein the application module further comprises at least having the ability to generate at least one CAD drawing (see Col. 29, Line 65) based on a user selection of at least one of the mapped cross sectional profiles (e.g., grid system in 3-dimensional coordinates) (see Col. 6, Lines 55-62).

As to dependent claim 25, Crookshanks teaches the apparatus of claim 9, wherein the application module is further configured to at least:

divide at least one of the plurality of architectural pictures into at least one unit and at least one part corresponding to the at least one unit (e.g., units of the plans) (see Col. 6, Lines 46-54); and

create a CAD drawing showing the at least one part marked with the corresponding unit name the at least one part name (e.g., cross correlation; correlated with fields) (see Col. 9, Line 16; and Col. 12, Line 19).

As to dependent claim 30, Crookshanks teaches the apparatus of Claim 1, wherein the correlation module is at least configured to map data from the plurality of data modules based on a first association between a first unit in the units module and at least one other unit in the units module (e.g., cross correlation) (see Col. 9, Line 16; and Col. 12, Line 19), and wherein the first association comprises a characteristic of the first

unit shared with the at least one other unit that is inferred from the apparent intent of the user (e.g., correlated with fields) (see Col. 9, Line 16; and Col. 12, Line 19).

Response to Arguments

6. Applicant's amendment and arguments filed November 26, 2008 have been fully considered. The amendment does not overcome the original art rejection and the arguments are not persuasive. The following are the Examiner's observations in regard thereto.

Applicant Argues:

Crookshanks was cited as allegedly fully disclosing all the limitations of Claim 1. However, Crookshanks does not suggest, teach, or disclose "a cross-sectional profiles module." Crookshanks teaches and discloses an optional three dimensional grid system, which allows the Bid System to define three dimensional box definitions to be linked to plan sheets to correspond to a particular subcontract category. See Crookshanks, col. 6, lines 32 - 58. Accordingly, Crookshanks does not teach, suggest, or disclose that the grid system provides cross-sectional profiles, but rather the grid provides reference points to define boxes containing subcontract identifiers.

Examiner Responds:

Examiner is not persuaded. Details explaining the grid are disclosed in Col. 16, Lines 38-39. The modules are simply software and therefore cross-sectional profiles are disclosed by "elements" in the prior art, see Col. 8, Lines 13-15, "represented geometrically in the plan ordinate system by a series of contiguous line and curve segments, intersection points." Also see cross-sectional profiles depicted in Figures 3A and 3C with an explanation in Col. 16, Lines 49-53. Considering these examples of a cross-sectional profiles module, the prior art anticipates the claims as written.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeLeFevre (U.S. Patent Number: 6,438,922) teaches a method of designing a building for maximum compatibility with modular forms.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Albert DeCady

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Art Unit: 2121

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